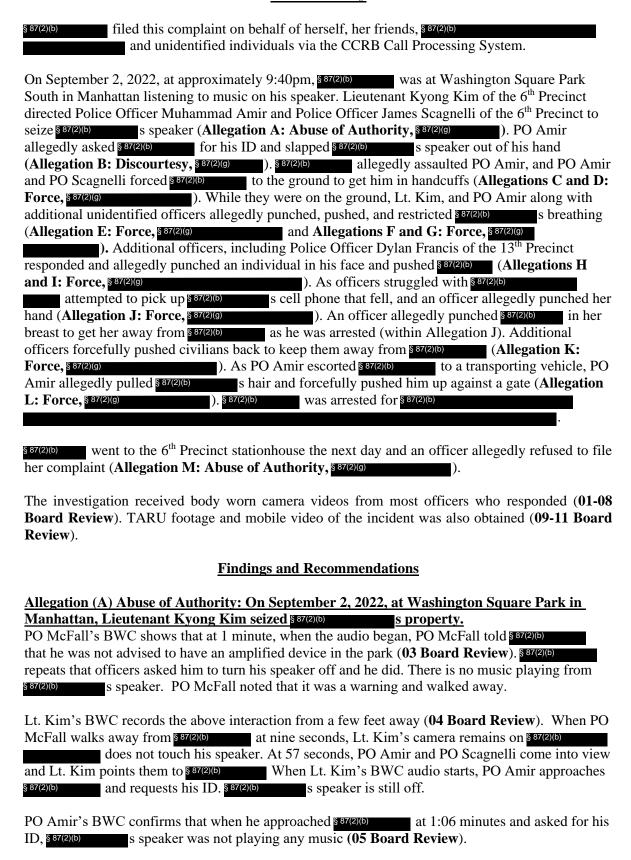
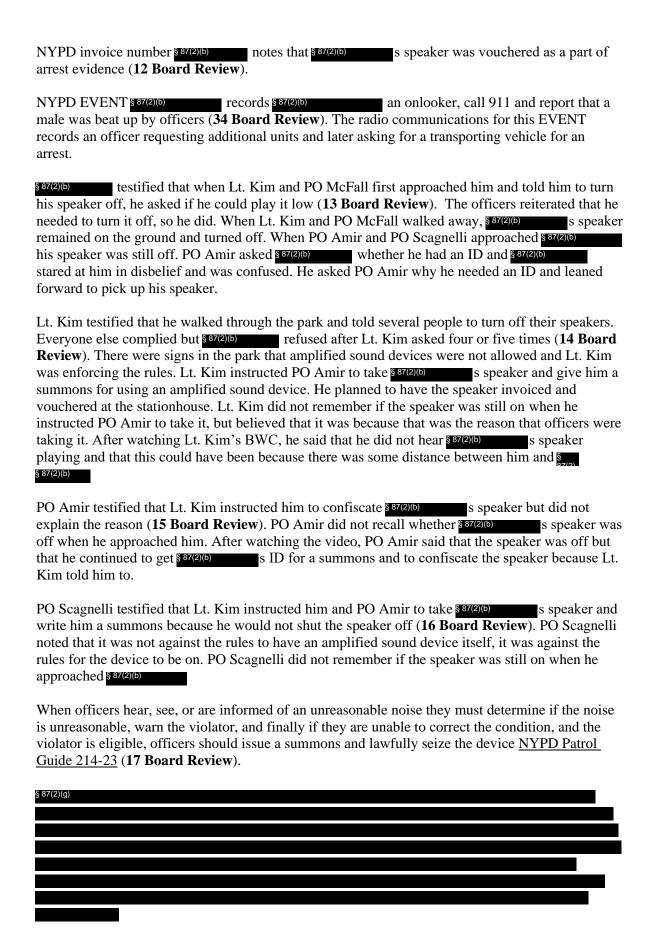
# CCRB INVESTIGATIVE RECOMMENDATION

Investigator:		Team:	CCRB Case #:	$\overline{\mathbf{Q}}$	Force	<b>✓</b>	Discourt.		U.S.
Tileyah Williams		Squad #06	202205895	Ø	Abuse		O.L.	$\overline{\checkmark}$	Injury
In aid and Data(a)		I anation of Invident			10 1/	[ _ C(	<b>N</b>	Т,	)
Incident Date(s)		Location of Incident:			18 M			'	Precinct:
Friday, 09/02/2022 9:40 PM, Saturd 09/03/2022 4:00 PM	lay,	At and outside of Wash South, 6th Precinct Star		3/2/2024			06		
Date/Time CV Reported		CV Reported At:	How CV Reported:		Date/Time	Rece	eived at CC	RB	
Fri, 09/02/2022 10:00 PM		CCRB	Call Processing System		Fri, 09/02	/2022	10:00 PM		
Complainant/Victim	Туре	Home Addre	ess						
Witness(es)		Home Addre	ess						
Subject Officer(s)	Shield	TaxID	Command						
1. Officers									
2. PO Muhammad Amir	10773	966434	MS SU CRT						
	14689	964281	006 PCT						
4. An officer									
5. LT Kyong Kim	00000	938772	006 PCT						
6. PO Dylan Francis		972344							
Witness Officer(s)	Shield No	o Tax No	Cmd Name						
1. PO Kyle Daly	21657	972384	013 PCT						
2. PO George Mcfall	00680	930692	006 PCT						
Officer(s)	Allegatio	n			Inve	estiga	tor Recor	nme	ndation
I	Abuse: O Manhatta property.	n September 2, 2022, at n, Lieutenant Kyong Ki	Washington Square m seized § 87(2)(b)	e Pa	rk in				
	Discourtesy: On September 2, 2022, at Washington Square Park in Manhattan, Police Officer Muhammad Amir acted discourteously toward § 87(2)(b)								

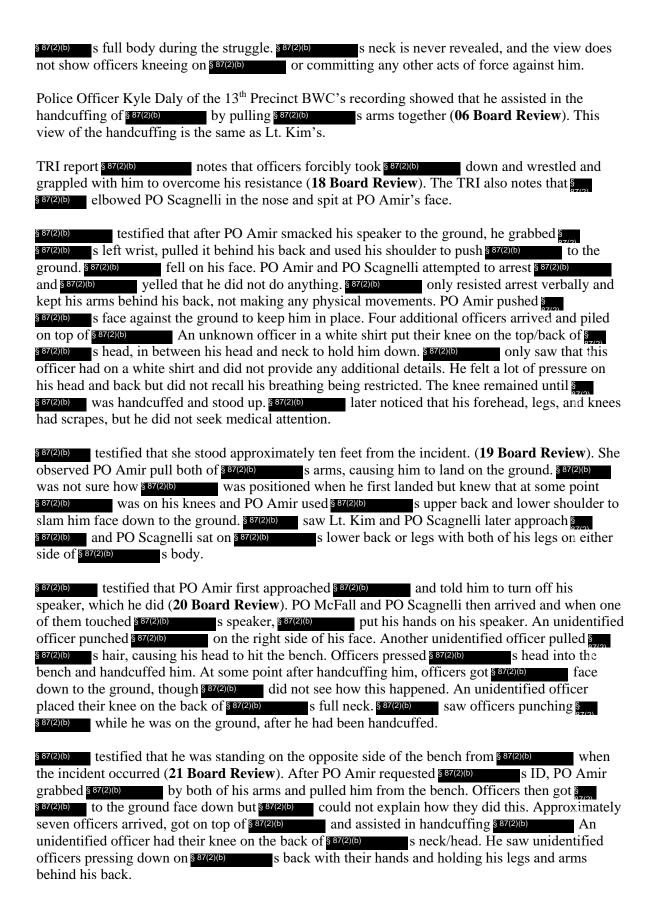
Officer(s)	Allegation	Investigator Recommendation
C . PO Muhammad Amir	Force: On September 2, 2022, at Washington Square Park in Manhattan, Police Officer Muhammad Amir used physical force against \$87(2)(b)	
D . PO James Scagnelli	Force: On September 2, 2022, at Washington Square Park in Manhattan, Police Officer James Scagnelli used physical force against \$87(2)(b)	
E . LT Kyong Kim	Force: On September 2, 2022, at Washington Square Park in Manhattan, Lieutenant Kyong Kim used physical force against \$87(2)(5)	
F. Officers	Force: On September 2, 2022, at Washington Square Park in Manhattan, officers used physical force against \$87(2)(b)	
G. Officers	Force: On September 2, 2022, at Washington Square Park in Manhattan, officers restricted street by S87(2)(b) s breathing.	
H . PO Dylan Francis	Force: On September 2, 2022, at Washington Square Park in Manhattan, Police Officer Dylan Francis used physical force against an individual.	
I . PO Dylan Francis	Force: On September 2, 2022, at Washington Square Park in Manhattan, Police Officer Dylan Francis used physical force against \$87(2)(b)	
J. An officer	Force: On September 2, 2022, at Washington Square Park in Manhattan, an officer used physical force against \$87(2)(b)	
K . Officers	Force: On September 2, 2022, at Washington Square Park in Manhattan, officers used physical force against individuals.	
L . PO Muhammad Amir	Force: On September 2, 2022, outside of Washington Square Park in Manhattan, Police Officer Muhammad Amir used physical force against \$\frac{887(2)(b)}{2}\$	
M . An officer	Abuse: On September 3, 2022, at the 6th Precinct stationhouse, an officer did not process s complaint regarding officers.	

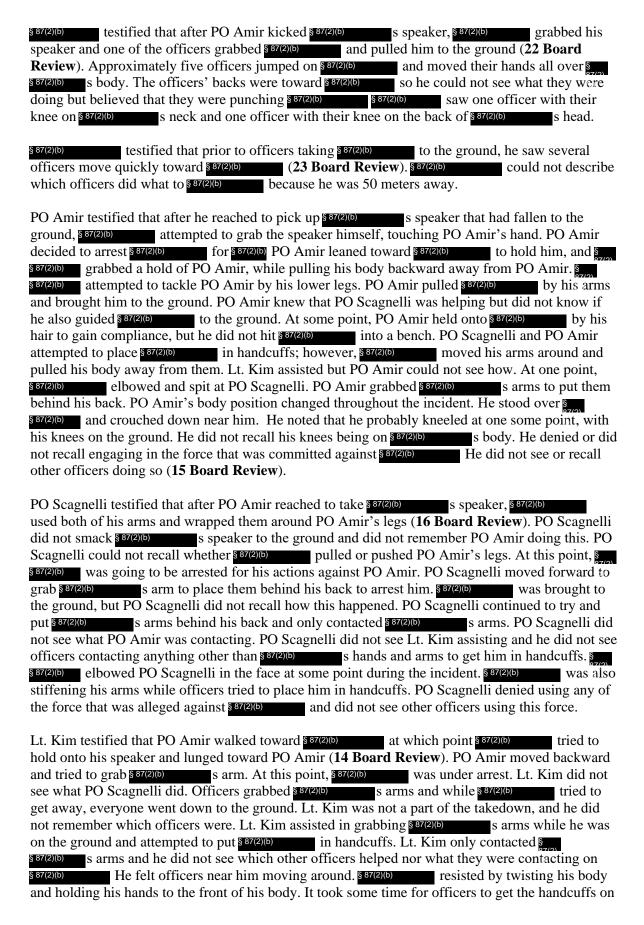
### **Case Summary**

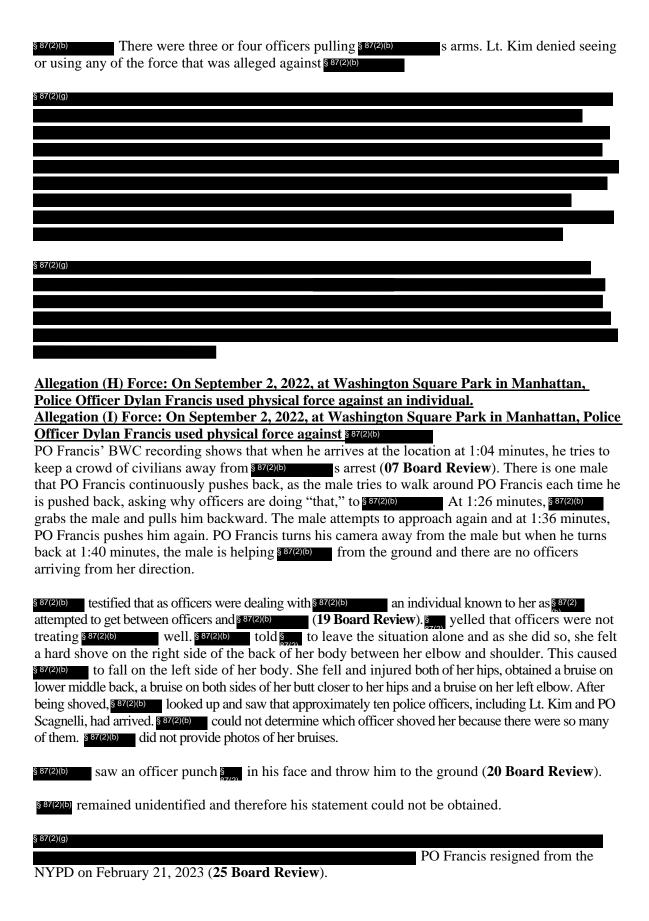




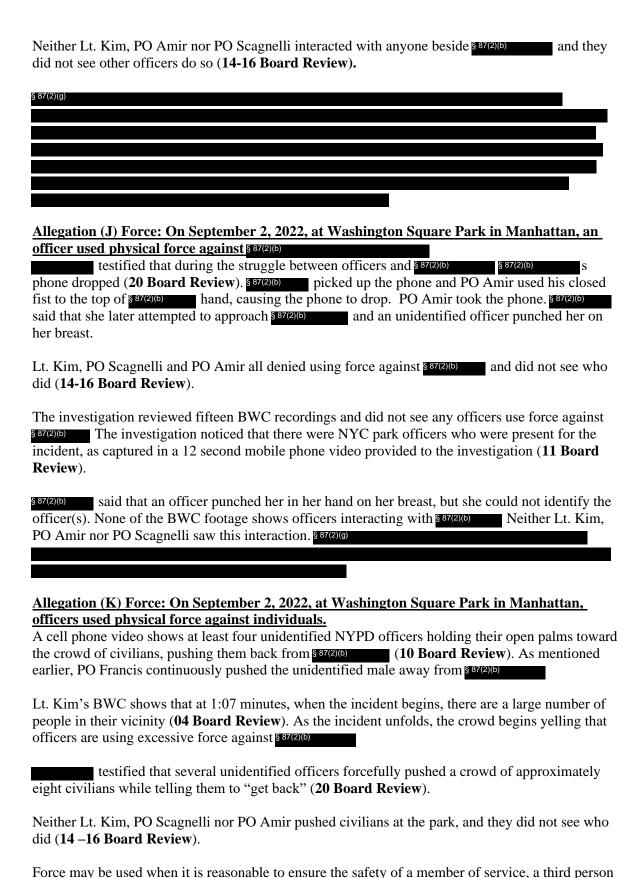
Allegation (B) Discourtesy: On September 2, 2022, at Washington Square Park in Manhattar
Police Officer Muhammad Amir acted discourteously toward §87(2)(b)
PO Amir's BWC shows that at 1:07 minutes, after he asks \$87(2)(b) for his ID several times,
refuses to provide his ID ( <b>05 Board Review</b> ). PO Amir reaches down to get
s speaker from the ground and s87(2)(b) touches PO Amir's wrist. PO Amir places th
speaker back on the ground. At 1:13 minutes, PO Amir holds both of \$87(2)(b) s arms and \$200
887(2)(b) moves his arms back and forth toward PO Amir but does not contact PO Amir. PO Amir'
BWC falls off at 1:15 minutes. PO Amir was the only officer who touched \$87(2)(6) s speaker
at that point.
testified that after he attempted to pick up his speaker, PO Amir tried to grab the
speaker (13 Board Review). \$87(2)(b) told PO Amir that he could not do that and grabbed it
back. PO Amir smacked \$87(2)(b) s speaker to the ground.
s speaker to the ground.
testified that when PO Amir reached for \$87(2)(b) s speaker, \$87(2)(b)
slapped it out of his hand (23 Board Review).
testified that officers kicked § 87(2)(b) s speaker (22 Board Review).
testified that officers kicked of the
§ 87(2)(g)
Allegation (C) Force: On September 2, 2022, at Washington Square Park in Manhattan,
Police Officer Muhammad Amir used physical force against §87(2)(b)
Allegation (D) Force: On September 2, 2022, at Washington Square Park in Manhattan,
Police Officer James Scagnelli used physical force against \$87(2)(b)
Allegation (E) Force: On September 2, 2022, at Washington Square Park in Manhattan,
Lieutenant Kyong Kim used physical force against § 87(2)(b)
Allegation (F) Force: On September 2, 2022, at Washington Square Park in Manhattan,
officers used physical force against §87(2)(b)
Allegation (G) Force: On September 2, 2022, at Washington Square Park in Manhattan,
officers restricted \$87(2)(b) seems of 2, 2022, at washington Square 1 ark in Manhattan,
Lt. Kim's BWC shows that at 1:07 minutes, PO Scagnelli is behind PO Amir when \$87(2)(b)
touched his wrist ( <b>04 Board Review</b> ). PO Scagnelli walks forward and then stands side by side
with PO Amir. At 1:13 minutes, PO Scagnelli is in front of 887(2)(5) PO Amir, PO Scagnelli
and \$87(2)(b) then fall to the ground. Lt. Kim approaches to assist with the handcuffing. At 1:2
minutes, \$87(2)(b) s body is laid on the ground and he is twisting back and forth. PO
Scagnelli's and PO Amir's arms are moving around \$87(2)(b) s arms. Lt. Kim assists in trying
to get \$87(2)(b) s arms. At some point, \$87(2)(b) is sitting upright saying that his speaker is
off. At 1:48 minutes, PO Scagnelli and PO Amir use \$87(2)(b) s arms to get \$87(2)(b) lying
on his stomach. From 2:01 minutes, until officers stand § 87(2)(b) up at 2:37 minutes, the view
only shows officers' hands in the vicinity of \$87(2)(b) s back. The view does not always depict
s full back nor all officers' positions throughout the incident. At some points during
the incident, \$87(2)(b) s body is covered by officers. Civilians are heard in the background
yelling that officers are choking §87(2)(b) using excessive force and that an officer's knee is or
s neck.
5 HCCA.
None of the officers' BWC show what happens with \$87(2)(5) during the next portion of the
None of the officers' BWC show what happens with \$87(2)(b) during the next portion of the incident (01, 02 Board Review). The footage does not capture all the officers' positions and \$100.000 and \$100.0000 are supported by the incident (01, 02 Board Review).







CCRB CTS – Confidential



or otherwise protect life, when putting a person into custody or preventing a person from escaping custody NYPD Patrol Guide Procedure 221-01 (**24 Board Review**). In determining whether the use

of force is reasonable, members of the service should consider the following: a. The nature and severity of the crime/circumstances, b. Actions taken by the subject, c. Duration of the action, d. Immediacy of the perceived threat or harm to the subject, members of the service, and/or bystanders, e. Whether the subject is actively resisting custody, f. Whether the subject is attempting to evade arrest by flight, g. Number of subjects in comparison to the number of MOS, h. Size, age, and condition of the subject in comparison to the MOS, 1. Subject's violent history, if known, j. Presence of hostile crowd or agitators, k. Subject apparently under the influence of a stimulant/narcotic which would affect pain tolerance or increase the likelihood of violence.

(2)(3)
Allegation (L) Force: On September 2, 2022, outside of Washington Square Park in Manhattan, Police Officer Muhammad Amir used physical force against \$87(2)(5)  Sergeant Thomas Lewandowski of the 6 <sup>th</sup> Precinct's BWC shows that at 1:30 minutes, PO Amir hat against a black gate outside of the park, with his hands in the vicinity of \$87(2)(5) as head (08 Board Review).
PO Amir's BWC fell off when he first began handcuffing \$87(2)(b) (05 Board Review). PO Amir was not given his BWC back until after he placed \$87(2)(b) in the transporting vehicle and none of the other officers were close enough to record \$87(2)(b) in the transporting vehicle is interaction with PO Amir at this point (05 Board Review). None of the officers' BWC depict PO Amir's contact with \$1.50 and \$1.50 as they left the park (01, 02 Board Review). The footage also does not show PO Amir's and \$1.50
testified that as PO Amir escorted him out of the park, PO Amir grabbed \$87(2)(b) by his hair (13 Board Review). \$87(2)(b) did not make any movement beside walking and continuously asking officers, "For what reason?" When they got out of the park, PO Amir forcefully pushed \$87(2)(b) against a black metal gate and aggressively pulled \$87(2)(b) shair. PO Amir held him against the gate for approximately two minutes. \$87(2)(b) was then transported to the station house.
PO Amir testified that as he escorted \$87(2)(b) out of the park, \$87(2)(b) spit at PO Amir (15 Board Review). As they approached the gate, PO Amir turned \$87(2)(b) s body to face the gate and then held him there. He did not push \$87(2)(b) against the gate. \$87(2)(b) made a hawking sound, which indicated to PO Amir that \$87(2)(b) would spit on him again. PO Amir pulled \$87(2)(b) s hood to turn his face away from PO Amir so that he could not spit on him. PO Amir said that he did not pull \$87(2)(b) s hair and referred to the video, noting that \$87(2)(b) s hood was between PO Amir's hand and \$87(2)(b) s hood. The only time when PO Amir held his hair was to gain compliance during the handcuffing.
PO Amir's BWC did not depict any physical contact with \$87(2)(b) as they walked out of the park. \$87(2)(b) said that PO Amir pulled his hair as they walked out of the park and again while he waited at the gate. PO Amir denied taking this action. The BWC shows that PO Amir's hand was in the vicinity of \$87(2)(b) s hood after \$87(2)(b) made a sound that he was attempting to spit on PO Amir. \$87(2)(b)

Allegation (M) Abuse of Authority: On September 3, 2022, at the 6th Precinct stationhouse,
an officer did not process 887(2)(b) s complaint regarding officers.  Stationhouse footage expired and was therefore not obtained.
testified that on the next day, September 3, 2022, at approximately 4pm, she went back to the park, gathered six unidentified individuals and went to the 6 <sup>th</sup> Precinct Stationhouse ( <b>20 Board Review</b> ). Stationhouse ( <b>20</b> asked to speak to the "biggest manager" and an unidentified officer appeared. She described this officer as a White male, with brown/blonde hair wearing a white uniform shirt. Stationhouse ( <b>21</b> told him that she wanted to file a report against officers regarding the incident with Stationhouse ( <b>20</b> The officer did not take a report for her but provided her with a phone number so that she could file the report.
The 6 <sup>th</sup> Precinct command log for the incident date notes that Lt. Vautrinot worked from 9:10am until 8:30pm and Captain Zeikel worked from 2pm until 4pm on the incident and time. Both lieutenants are White males with brown hair ( <b>27</b> , <b>28 Board Review</b> ).
Lt. Vautrinot testified that he did not know whether he was in the stationhouse doing administrative work or in the field at the time of the incident ( <b>29 Board Review</b> ). He did not know about stationhouse arrest and did not recall speaking to stationhouse. Lt. Vautrinot did not speak with any civilians on that day regarding the arrests at Washington Square Park and he did not recall any civilians asking to file a complaint. He did not recall providing information to any civilians regarding how they could file a complaint against officers and did not refuse to file a complaint for stationhouse to complain about an incident.
Captain Zeikel testified that he signed out at 4pm and would have been in plain clothes ready to leave at that time ( <b>30 Board Review</b> ). He did not recall whether he left the stationhouse immediately or whether he stood around in the stationhouse when he ended his tour. Captain Zeikel did not recall addressing a group of people regarding officers' actions at Washington Square Park, but it was possible that he spoke to someone regarding sarrest on that day. He did not recall providing civilians with options on how they could file a complaint against officers, and he did not recall refusing to file a complaint for sarreston
§ 87(2)(g)

## **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which \$87(2)(b) and \$87(2)(b) have been parties (31 Board Review).
- Lt. Kim has been a member of service for 18 years and has been a subject in eight other CCRB complaints and 15 other allegations, two of which were substantiated.:
  - Case 202001196 involved substantiated allegations of refusal to process a civilian complaint against Lt. Kim. The Board recommended Command Discipline B and the Board has not yet imposed any discipline.

§ 87(2)(g)

- The same complaint involved substantiated allegations of refusal to provide name against Lt. Kim. The Board recommended Command Discipline A and the NYPD has not yet imposed any discipline. §87(2)(9)
- PO Amir has been a member of service for four years and has been the subject of five other CCRB complaints and 13 other allegations, none of which were substantiated.
  - Case 202102157 involved allegations of physical force pled against PO Amir, and it was closed as complainant unavailable.
  - Case 202102591 involved an allegation of physical force against PO Amir, and it was closed as pending litigation.
  - Case 202103110 involved an allegation of force pled against PO Amir and it was closed as unfounded.
  - Case 202300851involved an allegation of physical force against PO Amir, and to date, this case is still active.
- PO Francis has been a member of service for two years and this is the first complaint to which he has been a subject.
- PO Scagnelli has been a member of service for six years and has been subject to one other CCRB case and two allegations, one of which was substantiated.
  - Case 202005507 involved a substantiated allegation of a refusal to provide a shield number against PO Scagnelli. The Board recommended Command Disciple A and the NYPD did not impose any penalties.
    - This same case involved an allegation of physical force pled against PO Scagnelli and it was closed as exonerated.

## Mediation, Civil, and Criminal Histories

- This complaint was not suitable for mediation.
- As of April 11, 2023, the New York City Office of the Comptroller has no record of a Notice of Claim being filed regarding this incident (**32 Board Review**).

•	[§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

### **RPBP History**

• This complaint did not contain any allegations of Racial Profiling/Bias-Based Policing.					
Squad: 6					
Investigator: _	Tileyah Williams Signature	SI Tileyah Williams Print Title & Name	12/12/2023 Date		
Squad Leader: _	Jessica Peña Signature	IM Jessica Peña Print Title & Name	12/12/2023 Date		
Reviewer:	Signature	Print Title & Name	Date		